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Date

Human Resources
USACE DRUG TESTING PROCEDURES
for
THE ARMY'S DRUG-FREE FEDERAL WORKPLACE (DFW)
CIVILIAN DRUG TESTING PROGRAM

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USACE DRUG TESTING PROCEDURES
for
THE ARMY'S DRUG-FREE FEDERAL WORKPLACE (DFW) CIVILIAN DRUG
TESTING PROGRAM

1. **Purpose.** On 15 September 1986, Executive Order (EO) 12564 established the goal of a Drug-Free Workplace (DFW). This EO recognized the serious impact of illegal drug use on the national workforce and required Federal agencies to develop a plan for achieving the objective of a DFW, with due consideration to the rights of the Government, the employees, and the general public. To achieve these goals, the Army implemented the DFW drug abuse testing program for DA civilian employees. The following procedures provide guidelines for administration of civilian drug testing in the Corps of Engineers. These guidelines should be used in conjunction with AR 600-85, Alcohol and Drug Abuse Prevention and Control Program, and the Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs.
2. **Applicability.** This pamphlet applies to all HQUSACE elements and all USACE commands.
3. **Distribution.** Approved for public release; distribution is unlimited.
4. **References.**
 - a. EO 12564, 15 September 1986
 - b. Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs.
 - c. AR 600-85, Alcohol and Drug Abuse Prevention and Control Program, 21 October 1988, including Changes 1-3.
 - d. Memorandum, CEHR-D, 13 March 2000, subject: Drug Free Workplace
5. **Availability.** This pamphlet is available at the following web site_____.
6. **Categories of drug testing and testing procedures.** To realize the objectives of EO 12564, the Army, in AR 600-85, implemented the six required categories of drug testing. These categories are: reasonable suspicion, accident or unsafe practice, voluntary, follow-up, applicant, and random testing. Implementation of an effective testing program requires the cooperation and involvement of the

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supervisor, the Alcohol and Drug Control Officer (ADCO), the Employee Assistance Program (EAP) staff, the Division/MSC and District/FOA Drug Program Coordinators (DPCs) and the servicing Civilian Personnel Advisory Center (CPAC). The following testing categories fully conform to the guidance provided in EO 12564:

a. Reasonable suspicion testing.

(1) All civilian employees are subject to reasonable suspicion testing when there is a reasonable suspicion of on duty use or on duty impairment.

(2) Civilian employees in Testing Designated Positions (TDP) are subject to testing when there is a reasonable suspicion that an employee uses illegal drugs, whether on or off duty.

(3) The supervisor will initiate testing when there is "reasonable suspicion" of illegal drug use (i.e., an articulable belief that an employee uses illegal drugs drawn from specific and particularized facts and reasonable inferences from those facts); mere hunches or rumors are not sufficient to initiate testing. Reasonable suspicion may be based upon:

(a) Direct observation of drug use or possession and/or physical symptoms of being under the influence of an illegal drug.

(b) A pattern of abnormal conduct or erratic behavior.

(c) Conviction from a drug-related offense.

(d) Observation of drug use or possession and/or physical symptoms of being under the influence of an illegal drug provided by a reliable and credible source or independent corroboration.

(e) Newly discovered evidence that the employee has tampered with a previous drug test.

(4) When a supervisor suspects an employee is using illegal drugs, the supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion and meet with the next higher level supervisor, the Labor Counselor and

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the servicing CPAC to review the evidence. The supervisor will prepare and maintain a written report to include, at a minimum, the appropriate dates and times of reported drug-related incidents; reliable/credible sources of information, including statements from sources; rationale leading to the test, findings of the test, and the action taken. Notification to test is prepared by the supervisor and approved by the next higher level supervisor after coordination with the Labor Counselor and the CPAC. The reasonable suspicion drug test will test for all five drugs authorized by DHHS for testing under this program. These drugs are: amphetamines, opiates, phencyclidine (PCP), cocaine and marijuana. The employee may be asked to provide a urine specimen under observation if there is reason to believe the employee may alter or substitute the specimen to be provided. (A decision to obtain a urine specimen under observation will be determined by the supervisor, in consultation with the Labor Counselor and the CPAC.) Additional instructions dealing with observed collections are provided at 7.b.

(5) The supervisor will promptly notify the District/FOA DPC and provide the information necessary to arrange for the reasonable suspicion drug test, which will be conducted as soon as possible on the same day the test was approved.

(6) The supervisor will promptly notify the CPAC if an employee refuses to be tested, and when the employee is found to use illegal drugs.

b. Accident or Unsafe Practice Testing. Any employee may be subject to testing when there is an examination authorized by an appropriate installation or activity commander regarding an accident or unsafe practice. Accordingly, employees may be subject to testing when, based on circumstances of the accident, their actions are reasonably suspected of having caused or contributed to an accident that results in a death or personal injury requiring immediate hospitalization or in damage to government property estimated in excess of \$10,000.

(1) The supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion and meet with the next higher level supervisor, the installation safety program manager, Labor Counselor and CPAC to review the evidence. The supervisor will prepare a notification to test when approved by the next higher level supervisor. Additionally, the supervisor will prepare and maintain a written report that will include the date, time, and description of reported accident/mishap(s), rationale leading to the decision to test, findings of the test, and the action taken.

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(2) The supervisor will notify the District/FOA DPC promptly and provide the information necessary to arrange for the drug test. Testing will be conducted for all five drugs authorized by DHHS under this program. The supervisor will assure the drug test is conducted as soon as possible.

c. Voluntary testing is available for employees who choose to demonstrate their commitment to the Army's goal of a DFW and who want to set an example for other employees. Civilian employees not occupying a TDP may volunteer for unannounced random testing. The supervisor will ask the employee who volunteers to submit a written request to be included in a random drug testing program. The supervisor will advise the next higher supervisor, the CPAC, and the District/FOA DPC. The supervisor will arrange a meeting with the employee to review the program's conditions and the employee's obligations, and to obtain a signed voluntary consent to drug testing. As soon as the required administrative procedures are complete, the supervisor will notify the District/FOA DPC and provide the information necessary to include the volunteer employee in a random pool, separate from the testing pool for TDPs. The employee may withdraw from participation by submitting a written request to the supervisor, who will promptly notify the District/FOA DPC and the CPAC of the employee's withdrawal.

d. Follow-up testing. All DA civilian employees who have successfully completed rehabilitation and/or are enrolled in rehabilitation for illegal drug use may be subject to unannounced follow-up testing for 12 months. Follow-up testing is not to be confused with regular random testing and with rehabilitation testing which may be part of the employee's treatment plan. Supervisors of employees who are enrolled in a treatment program for illegal drug use, or who have successfully completed drug rehabilitation will consult with the CPAC and the Employee Assistance Program Coordinator (EAPC) to determine the frequency of unannounced follow-up drug testing, which is generally conducted for a period of one year. The supervisor will meet with the employee to obtain written agreement that the employee is aware of the requirement for follow-up testing. The supervisor will promptly notify the District/FOA DPC and provide the information necessary to arrange for the follow-up testing, which will test for all five drugs identified by DHHS. [See paragraph 2.a.(4).] Only verified positive results obtained as a result of a follow-up test may be used to support an adverse action.

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e. Applicant testing. Applicants tentatively selected for appointment to TDPs are required to participate in applicant drug urinalysis testing, which is designed to screen out applicants who use illegal drugs. Applicant drug testing of civilians tentatively selected for a position requiring a negative drug urine test will normally be obtained under the COE-wide collection and testing contracts. Testing must be conducted at a DOD/DHHS-certified forensic drug testing laboratory as specified by DA; results from other laboratories will not be accepted.

(1). If the appointment to the TDP is for 30 days or less, or the applicant currently occupies a TDP within the Department of Defense (DOD), no applicant testing is required.

(2) The tentatively selected applicant will be required to sign a "Notice to Applicant or Current Employee of Random Drug Testing Under the Department of the Army Drug-Free Workplace Program" (Appendix B), acknowledging DA's right to require TDP selectees to participate in applicant and random drug urinalysis testing. The CPAC will furnish this form to the applicant, along with other pre-appointment forms.

(3) All applicants who refuse to be tested must be refused employment. All applicants with verified positive test results shall be refused employment. Applications from such individuals shall not be considered for employment for a period of 6 months from the date of the test results.

(4) Managers will inform the CPAC that the vacancy is a TDP, subject to applicant and random testing. The CPAC specialist will inform the CPOC that the position vacancy announcement must specify that refraining from illegal drug use and submitting to drug testing, when directed, are conditions of employment.

f. Random Testing. Employees in TDPs are subject to random testing. Testing will be conducted for all five drugs authorized by DHHS for testing under this program.

(1) Random drug testing is a system of drug testing imposed without suspicion that a particular individual is using illegal drugs. A statistically random sampling of employees from each Division-level testing pool will be made. [See paragraph 6.f.(3).] Separate testing pools will be established for the Engineer Research and Development Center (ERDC) and each Division. Additionally, HQUSACE, the

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Humphreys Engineer Center Support Activity (HECSA), the Transatlantic Support Center (TAC), the 249th Engineer Battalion, the Water Resources Support Center (WRSC), and the Army Engineer Support Center (HNC) constitute a single pool. The HECSA DPC will perform the "Division/MSC" duties for these organizations.

ORGANIZATION	DIV/MSC DPC	DISTRICT/FOA DPC	TESTING POOL
HQUSACE	HECSA	HECSA	HECSA
HECSA	HECSA	HECSA	HECSA
TAC	HECSA	TAC	HECSA
249 th Engineer Battalion	HECSA	249 th	HECSA
WATER RESOURCES SUPPORT CENTER	HECSA	WRSC	HECSA
HNC	HECSA	HNC	HECSA
ERDC	ERDC	ERDC	ERDC

(2) Identification

(a) Supervisors are responsible for ensuring that all positions which meet the established criteria in paragraph 5-14.b. of Change 3, AR 600-85, 26 Apr 99, and the additional Corps-specific positions approved under the provisions of paragraph 5-14.c. of the same reference are identified as TDPs. (See Appendix C.) Supervisors must ensure that the position descriptions for TDPs clearly document the critical safety or security responsibilities. The servicing CPAC personnel specialist is responsible for ensuring that TDPs are identified as such in the automated personnel database.

(b) The Division/MSC DPC with the assistance of the District/FOA DPCs and the servicing CPAC will establish and maintain an updated TDP roster which identifies the TDPs and incumbents in those positions. The TDPs rosters may be in any format, but will contain at a minimum:

Position title and number.

Name, social security account number, work telephone of incumbent.

Name, work telephone of first line supervisor, and the date supervisor was trained regarding the Army's DFW Civilian Drug Testing Program.

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(c) Supervisors will manage the issuance of the 30 day individual notices, i.e. "Notice to Applicant or Current Employee of Random Drug Testing Under the Department of the Army Drug-Free Workplace Program" (Appendix B) to current USACE employees whose positions have been identified as TDPs.

(3) Selection Process. The Division/MSC DPCs will use the Division/MSC TDP Roster to create and maintain a drug testing database of employees who occupy TDPs. This group of employees constitutes a division-level drug testing pool. A separate database and testing pool will be created for Division employees who volunteer for testing, but are not in TDPs. The Division/MSC DPC will use the "Random Record Selector" feature of "Manager +" (or other program designated by CEHR) to randomly select records from their database. Division/MSC DPCs will provide names of employees selected to the District/FOA DPCs.

(4) Notification

(a) The District/FOA DPC (or other individual as designated by the District commander) will, within 2 hours of the scheduled testing, notify the first line supervisors of those employees selected for random drug testing. If the District/FOA DPC is on the random testing list, the Division/MSC DPC will notify the employee's supervisor. If the first level supervisor is unavailable, the next higher level supervisor will be contacted. In a Memorandum for the Record (MFR) the District/FOA DPC should record the names of employees selected, names of supervisor(s), times notified, and the time scheduled for specimen collection.

(b) The supervisor will explain privately to employees that they are under no suspicion of taking drugs, that the individuals chosen were selected randomly, and that employees are to report promptly to the testing facility point with photo identification. Supervisors should record in an MFR the names of individuals advised to report for drug testing, the times notified, and times employees were advised to report for testing.

(c) Supervisors of employees who work shift duty or are assigned special duty hours (i.e., not the normal day shift) will advise the District/FOA DPC, who will develop a plan to ensure those employees are tested.

(5) Deferral of test

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(a) Supervisors will notify the District/FOA DPC promptly when employees selected for drug testing obtain a deferral of test. The District/FOA DPC will reschedule the employee for an unannounced test within the next 60 days.

(b) A deferral of an employee's random test may be authorized when the employee's first line and next level supervisors concur in writing that a compelling need necessitates a deferral when the employee is:

- ◆ In a status such as annual leave, sick leave, suspension, absent without leave, or continuation of pay.
- ◆ On official travel away from the work site or is about to embark on official travel that was scheduled before testing notification.
- ◆ Performing a task or project that prevents the employee from leaving the work site during the time the test is scheduled.

(c) The EAPC can request that an employee be exempted from random drug testing for a period not to exceed 60 days while undergoing treatment. The EAPC must consult with the supervisor, the servicing CPAC, and clinician. The EAPC will document this consultation. The document will include : (1) the decision to defer testing while in rehabilitation; (2) the period of time the deferral is effective; and (3) signatures of the EAPC and the supervisor. The supervisor has final authority to grant or not grant the deferral. The EAPC will advise the District/FOA DPC when and for how long an employee is to be exempted from the random testing program.

(6) Failure to appear for random drug test

(a) The collector will promptly notify the District/FOA DPC when an employee refuses to provide a sample or fails to report to the designated collection site within the designated time. The District/FOA DPC will then inform the employee's first line supervisor. The collector will prepare and sign a Memorandum for Record, documenting the employee's failure to appear for testing and provide a copy to the District/FOA DPC.

(b) The supervisor will notify the next higher level supervisor and the servicing CPAC. Refusal to be tested or failure to report can result in the same type of disciplinary action as a verified positive test result. The supervisor will document

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follow-up actions in accordance with the guidance of the higher level supervisor and the CPAC. The supervisor will furnish a copy of the documentation to the District/FOA DPC.

(7) Frequency of random testing

(a) Effective deterrence requires a random selection process which ensures that all employees subject to random testing believe that they may be required to provide a urine sample on any day they report to work.

(b) The Division/MSD DPC will ensure that the frequency of random drug testing conforms to DOD guidance requiring agencies/components and the military services having civilian employees encumbering TDPs to conduct a minimum of 0.50 random tests per TDP per year. (For example, if the Division testing pool includes 200 TDPs, 100 tests should be conducted during the year.) The Division commander or equivalent (in consultation with the local law enforcement agencies, the ADCO, and other drug control organizations) may increase the random percentage with the approval of HQUSACE. TDPs which require the incumbents to enroll in the Army's Personnel Reliability Program (PRP) identified in AR 50-5 and AR 50-6 will be tested randomly at least once in a 12-month period.

(c) The Division/MSD DPC will ensure that the random selection for testing is evenly distributed throughout the year. Random pulls should be done at least quarterly. Testing should occur on different days of the week

7. Specimen collection

The collector will meet all the collection requirements prescribed by the DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs. Additional guidance designed to assist the collector can be found in the "Urine Specimen Collection Handbook for Federal Workplace Drug Testing Programs" prepared by the Division of Workplace Programs, DHHS, which is available at Web Site: (<http://www.health.org/pubs/urine/umenu.htm>) . General guidance includes:

a. Unobserved Collection. The individual subject to be tested generally will be permitted to provide a urine specimen privately in a restroom or similar enclosure so that the employee is not visually observed while providing a sample. Collection site personnel of the same gender will escort the individual to the restroom and remain outside the stall during collection.

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b. Observed Collection

(1) When the collector observes behavior clearly indicating an attempt to tamper with the specimen or when the specimen temperature is outside the normal range, the collector will contact the District/FOA DPC promptly who will notify the employee's supervisor. The collector will describe the situation and request approval to observe the collection.

(2) The supervisor will consult with a higher level supervisor, Labor Counselor and the servicing CPAC; discuss the collector's request to observe; document the decision; and notify the collector of the decision.

(3) The collector will conduct the observed collection (if approved) and promptly and fully document the circumstances leading to the request. If the employee refuses to undergo an observed test, the collector will again notify the District/FOA DPC who will notify the supervisor. The collector will prepare and sign a MFR concerning the refusal.

(4) Directly observed collections are performed by a collector of the same gender as the employee. Per DHHS guidelines, if no collection site person of the same gender is available, the agency shall select an observer of the same gender.

8. Medical review. The medical review serves as a critical safeguard in the urine drug-testing program to ensure that positive drug tests resulting from legitimate medications and foods are not misinterpreted as illegal drug use.

a. All laboratory results (positives and negatives) are forwarded to the Medical Review Officer (MRO) according to DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs. The MRO should be especially familiar with the guidelines and will only accept test results which fully comply with those guidelines.

b. The MRO is responsible for reviewing, evaluating, and interpreting a positive test result and will contact (face-to-face contact not required) the applicant or employee with the positive test result and provide the individual with the opportunity to document (e.g., medical records, valid prescriptions, or other pertinent data) authorized use of the identified drugs, and to discuss the test

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results with the MRO. Proper attention must be paid to the doctor-patient confidentiality in all phases of the medical review process.

c. When the MRO determines there is no medical justification for the positive result, such result will then be considered a verified positive test result.

d. After verifying a positive test result, the MRO will notify the Division/MSD DCP who will contact the District/FOA DPC. The District/FOA DPC will advise the employee's first line supervisor to contact the CPAC about an EAP referral and initiation of disciplinary or adverse action. The supervisor must also notify the security officer of the verified positive test if the employee is required to maintain a security clearance as a condition of employment. (See AR 380-67, "Personnel Security Program" paragraph 8.101.)

e. All relevant documentation, including a positive drug test result form indicating that the positive result is verified along with a summary of findings, will be provided to the EAPC, who will offer referral for rehabilitation services to the employee.

f. Should any question arise as to the accuracy or validity of a positive test result, only the MRO is authorized to order a re-analysis of the original sample. Such a retest is authorized only at a DHHS-certified laboratory.

g. The MRO may also request quantitative levels from the civilian drug-testing laboratory, but the request must be made in writing.

h. If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO shall determine that the result is consistent with legal drug use and take no further action.

i. The MRO will take all steps necessary to ensure confidentiality of medically sensitive information obtained during the review process. The MRO is the custodian of such information and is both legally and professionally responsible for its security. The Privacy Act requirements for safeguarding these records apply fully.

9. Relationship to Disciplinary and Adverse Actions

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a. Supervisors must consult with their servicing CPAC for options and advice before initiating any formal disciplinary or adverse action. Supervisors should consult with their servicing CPAC before referring an employee to the EAP.

b. Per E.O. 12564 and DOD Directive 1010.9, any employee who is found to use illegal drugs may be subject to disciplinary action. Such determination may be made on the basis of direct observation, a criminal conviction, confirmed positive test, the employee's own admission, or other applicable evidence. A range of disciplinary actions is available. Discipline is optional for an employee who voluntarily admits illegal drug use *prior* to being identified through other means, obtains counseling or rehabilitation through EAP, and refrains from using illegal drugs. Removal must be *proposed* for a 2nd finding of illegal drug use. As with other proposed adverse actions, the deciding official weighs appropriate aggravating and mitigating factors in determining the penalty.

APPENDIX A

TERMS

Alcohol and Drug Control Officer (ADCO)

The person having staff responsibility for implementing, operating, and monitoring the Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) at MACOM, installation, or major tenant unit level.

Aliquot

A fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

Chain of Custody

Procedures to account for the integrity of each urine specimen or aliquot, by tracking, handling, and storing from point of specimen collection to the final disposition of the specimen. Documentation of this process must include the date and purpose each time a specimen or aliquot is handled or transferred and identification of each individual in the chain of custody.

Confirmation

The process of using a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

District/FOA Drug Program Coordinator (District/FOA DPC)

The person responsible for administration of the drug testing program at the District or FOA level. Duties include arranging for collection of specimens and notifying supervisors when employees are selected for testing.. (NOTE: The DPC at HNC, WRSC and TAC will perform these duties for their respective organizations.)

Division/MSC Drug Program Coordinator (Division/MSC DPC)

The person responsible for administration of the drug testing program at the Division/MSC level. Duties include maintenance of the TDP roster; random selection of employees for testing; and serving as agency point of contract for the Medical Review

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Officer. (NOTE: The HECSA DPC will perform these functions for the random testing pool made up of HQUSACE, HECSA, TAC, HNC, and WRSC employees.)

Drug Abuse

The use or possession of controlled substances, or illegal drugs, or the non-medical or improper use of other drugs (e.g. prescription, over-the-counter, etc.) that are packaged with a recommended safe dosage. Drug abuse includes the use of substances for other than their intended use (e.g. glue and gasoline fume sniffing or steroid use for other than that which is specifically prescribed by competent medical authority).

Drug Testing Pool

II TDP employees within a particular Division/MSC. Names of employees from the pool are randomly selected for testing.

Follow-up Testing

Unannounced testing which may be administered during or after counseling or rehabilitation. It is not to be confused with testing which is undertaken as part of rehabilitation or counseling (i.e., rehabilitation testing). Only verified results of follow-up testing may be used to support an adverse action.

Initial Test

A screening test to identify those specimens that are negative for the presence of drugs or their metabolites. When negative, these specimens need no further examination and need not undergo a more costly confirmation test.

Medical Evaluation

Examination of an individual by a physician to determine whether there is evidence of alcohol or other drug abuse or dependency.

Medical Review Officer (MRO)

A licensed physician responsible for receiving laboratory results generated from a drug test who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate employees/applicants' confirmed positive tests results together with their medical histories and any other relevant biomedical information.

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Random Testing

Testing which occurs without suspicion that a particular individual is using illegal drugs.

Reasonable Suspicion

An articulable belief that an employee uses illegal drugs or misuses alcohol from specific and particularized facts and reasonable inferences from those facts.

Sensitive Position

Any position within the Department of the Army in which the occupant could cause, by virtue of the nature of the position, a materially adverse effect on the national security.

Testing Designated Position (TDP) Employee

A DA employee who holds a position identified by the Army as having critical safety or security responsibilities related to the Army mission.

Testing Designated Position (TDP) Roster

A list of TDP employees within a division

Verified Positive Test Result

A positive test result for which the MRO determines there is no medical justification.

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APPENDIX B

***CONDITION OF EMPLOYMENT FOR CERTAIN CIVILIAN POSITIONS
IDENTIFIED CRITICAL UNDER THE DEPARTMENT OF THE ARMY DRUG-FREE
FEDERAL WORKPLACE PROGRAM***

From:

To: (Applicant/Employee name, title, series, and grade)

Subject: NOTICE TO APPLICANT or CURRENT EMPLOYEE OF RANDOM
DRUG TESTING UNDER THE DEPARTMENT OF THE ARMY DRUG-
FREE FEDERAL WORKPLACE PROGRAM

1. Your position, or the position for which you have applied, meets the criteria for random drug testing under the Department of the Army Drug-Free Federal Workplace Program. Performance of the duties of your position is sufficiently critical that screening to detect the presence of drugs is warranted as a requirement of your position. It is mandatory for your continued employment in this position that you refrain from the use of illegal drugs and submit to drug testing when directed.
2. If you are an applicant and fail to sign this notice, you will not be selected for the position. If you sign this notice and later in the selection process refuse to submit to drug testing, or if illegal drug use is detected through a verified positive applicant drug test result, you will not be selected for the position. If selected, you will be subject to random drug testing on an unannounced basis as a condition of continued employment.
3. If you are currently in a testing designated position (TDP), you may be subject to random drug testing on an unannounced basis no sooner than 30 days from receipt of this notice.
4. You will be allowed individual privacy while providing the urine specimen unless there is reason to believe the specimen will be altered. The collection, handling, and testing of the urine sample will be conducted under chain-of-custody procedures established by the Department of Health and Human Services. The procedures used to test the urine specimens are very accurate and tightly monitored to ensure reliable results. The test results will be handled with

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maximum respect for individual confidentiality. In the event your specimen tests positive, you will be given an opportunity to submit medical documentation to a designated medical review officer that may support legitimate use of the specific drug(s) before any administrative action is taken.

5. If you refuse to furnish a urine specimen or fail to report for testing as directed, you will be subject to the same range of administrative action as a verified positive test result for illegal drug use for failure to meet a condition of employment. If, by any means, illegal drug use is detected, you will be (1) immediately taken out of your TDP through reassignment, detail, or other personnel action to ensure that you do not occupy a TDP, and (2) referred to the Employee Assistance Program (EAP). In addition, you may be reassigned, demoted, or separated from the Federal service according to applicable regulations.
6. If you believe you have a drug problem, you are encouraged to seek counseling and/or referral services by contacting the EAP (provide name, address, telephone number of point of contact). If you voluntarily identify yourself to the supervisor or other higher level management official in your chain of command as a user of illegal drugs before being identified through other means, obtain counseling or rehabilitation assistance through an employee assistance program, and thereafter refrain from using illegal drugs, you may be subject to discretionary disciplinary actions for prior drug use; however such disciplinary actions are not mandatory.

ACKNOWLEDGMENT OF RECEIPT

Your signature below acknowledges that you have read this notice.

Employee's Signature

Date

Note: If an employee refuses to sign the acknowledgment above, the supervisor must sign below, thereby certifying that a copy of the notice was provided to the employee.

Supervisor' Signature

Date

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Supervisor's Telephone Number

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APPENDIX C

USACE-SPECIFIC TDP CATEGORIES

CATEGORY 1. OPERATE SURFACE VESSEL - Positions that require the incumbent to operate any surface vessel*, whether powered or not, including dredging equipment, in which the duties include operating, navigating, steering, directing, or sailing the vessel, operating the engines of a vessel while underway, or operating the spud(s) [anchor(s)] on a dredge.

5479 Dredging Equipment Operator

5782 Ship Operator

5784 Riverboat Operator

5786 Small Craft Operator

**4742 Engine & Machinery Operation and Repair

**5788 Vessel Deck Crew (Boatswain, Deckhand, Shipkeeper)

(**Basis for inclusion - involved in engine operation while vessel is underway.)

*Category 1 does not include USACE boats/vessels less than 26 feet in length, for which the District issues operator licenses IAW ER 385-1-91.

CATEGORY 2. OPERATE NAVIGATIONAL LOCKS - Positions that require the incumbent to operate navigational locks for passage of marine surface traffic or that involve dispatching and clearing marine surface traffic in and out of narrow ship canals, to include marine traffic controllers.

2101 Transportation Specialist

2150 Transportation Operations

5426 Lock & Dam Operator

CATEGORY 3. OPERATE FLOOD CONTROL GATES - Positions that require the incumbent to operate flood control gates to control water levels on waterways, to include dam operators.

5426 Lock & Dam Operator

*4749 Flood Control Maintenance Worker

*5407 Power Plant Operator

(*Basis for inclusion - involved with flood control gate operation.)

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CATEGORY 4. OPERATE WATER TREATMENT PLANT - Positions that require the incumbent to operate a water treatment plant to produce potable water for community and government use in which the duties include laboratory testing of water samples or the introduction of potentially hazardous chemicals and compounds into the water in the course of treatment.

5409 Water Treatment Plant Operator (Washington Aqueduct only)